



County of Los Angeles **CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN
Chief Administrative Officer

December 22, 2003

To: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
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Second District

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Fifth District

CONDITIONS AT THE PASADENA SUPERIOR COURTHOUSE

During the November 25, 2003, Board of Supervisors (Board) meeting, the Board directed the Interim Director of Internal Services Department (ISD) to collaborate with the Chief Administrative Officer (CAO), the Department of Health Services (DHS) and City of Pasadena Health Department to develop a report to the Board on the environmental conditions at the Pasadena Superior Courthouse (Courthouse) and implement a corrective action plan if required. The Board further directed ISD's Interim Director to work with the impacted departments, and with employees located at the Courthouse, to assure that proper environmental reporting protocols of unsafe or hazardous environmental conditions are in place.

During the November 25, 2003, Board meeting, the Board requested the following issues be reviewed:

1. Whether employees at the Courthouse are experiencing health problems resulting from poor indoor air quality
2. Ceiling tiles dropping onto desktops
3. Presence of soot and asbestos
4. Whether ISD, Probation Department (Probation), and the Superior Court (Court) management were unaware of complaints concerning unsafe conditions at the Courthouse

Background

In response to an anonymous complaint about indoor air quality and the air conditioning system on the Courthouse's second floor, the California Occupational Safety and Health Administration (Cal/OSHA) initiated an investigation on October 31, 2003. The complaint was later found to have been made by a Probation employee who works on the Courthouse's second floor. A newspaper article about the alleged Courthouse problems and investigation into those problems appeared in the November 20, 2003, edition of the *Pasadena Star News*.

Findings and Current Status

Issue #1: The CAO surveyed department managers with staff assigned to the Courthouse (Sheriff's Department, Office of the District Attorney, Office of the Public Defender, Probation, and Court). The CAO determined that approximately five employees in three of the five departments surveyed had filed complaints concerning building-related health problems in the past year. The complaints were non-specific in nature and could not be substantiated as arising from the Courthouse's environment.

CAO staff is monitoring the ongoing Cal/OSHA investigation. Review of preliminary air monitoring tests taken by Cal/OSHA between November 6 and 24, 2003, indicate no unsafe condition. Asbestos was not found in any of the air samples collected. Cal/OSHA completed its air monitoring on November 24, 2003, and no further field investigation by Cal/OSHA is anticipated. The CAO referred the air monitoring results to a physician in DHS Toxic Epidemiology. The physician reviewed the data and concluded there are no significant concerns about the level of the substances measured or about the non-specific symptoms of illness reported by Courthouse employees. The CAO and Probation are expecting a final investigative report from Cal/OSHA in two to six months.

Issue #2: ISD records indicate that incidents of falling ceiling tiles and plumbing leaks were reported between June 2002 and December 2003. The Office of the District Attorney reported in October 2003, ceiling tiles fell in Room 201 of the Courthouse because the ceiling tiles became saturated with water after a water pipe broke. The pipe was repaired and damaged ceiling tiles replaced.

Issue #3: At the time of the Cal/OSHA inspection on October 31, 2003, particulate material from the second floor heating, ventilation, and air conditioning system was visible on some desks of Probation employees who worked below ceiling air vents in several areas of the second floor. On November 24, 2003, the air on the second floor was tested by Cal/OSHA for dust particles small enough to be inhaled. Cal/OSHA reported that, based on its testing, no particulate health hazard existed.

According to ISD, duct cleaning was conducted throughout the Courthouse approximately three years ago. However, recent inspection of the second floor air handling system (AH-2) by the CAO found some deterioration inside the air handler which could account for the particulate material observed in some offices. The CAO provided recommendations to ISD about removing the existing debris and controlling this deterioration. On December 1, 2003, ISD reported that maintenance was conducted to remove the additional dust and debris.

The Courthouse contains asbestos in the floor tiles, mastic, plaster ceilings and fire-proofing on the beams and walls above the suspended ceilings. California Health and Safety Code Sections 25915-25915.5 require that lessees provide annual written notification of the existence of asbestos containing construction materials to employees working within the building. Probation informed its employees about the presence of asbestos in an August 23, 1999, memorandum to all Probation employees in the Courthouse. The CAO found that tenants do not provide employees with annual notifications. The Courthouse's floor tiles, mastic and plaster ceilings do not pose a hazard unless broken or pulverized. The fire-proofing material is located in areas inaccessible to employees. ISD applies asbestos-control procedures that comply with Cal/OSHA regulations when handling asbestos containing materials, or entering any area containing asbestos.

Issue #4: The CAO found that no ISD, Probation or Court employee was aware of any unsafe or hazardous building conditions which were not corrected or referred to ISD for repair. The survey of departments' managers found that each department applied its unique system for managing employee complaints about air conditioning, plumbing and other building support functions. Limited exchange of information exists between departments concerning building problems, even between departments on the same floor. Some departments do not possess a system to verify ISD services calls or correction of any repair problems. However, ISD maintains records of all service calls and repairs reported to ISD. Uncertainty exists about which department is responsible for initiating service calls in the Courthouse's common areas; for example, lobbies, restrooms, and stairwells.

DHS' Environmental Hygiene Program, and Environmental Health Services of the City of Pasadena Health Department, were contacted by CAO about whether those organizations had received complaints from Courthouse employees about air quality problems; neither agency received any such complaints.

Corrective Action Plan

The CAO, ISD, and Court will meet in December 2003 to clarify the roles and responsibilities of the various departments in maintaining the Courthouse and to assure that all departments possess reporting protocols to properly process employee complaints of unsafe or hazardous building conditions.

The CAO will monitor the implementation of the unsafe or hazardous conditions reporting system through June 2004, to ascertain progress and ensure compliance with the reporting protocols.

The CAO and Superior Courts will work with tenant departments to assist in compliance with annual asbestos notification requirements.

ISD is working with a duct-cleaning contractor to establish a remedy for the particulate problem. In the interim, ISD has installed temporary filter media in the affected ducts to ameliorate the particulate problem until a final solution is established.

The CAO and ISD will follow up on any findings contained in the Cal/OSHA final report.

If you should have any questions, please call Rocky Armfield, County Risk Manager, at (213) 351-5346.

DEJ:RAA
SN:DL:mtm

c: Executive Officer, Board of Supervisors
 County Counsel
 Pasadena Superior Court
 Internal Services Department
 Department of Health Services
 Probation Department
 District Attorney
 Sheriff's Department
 Public Defender
